

Exhibit A

AFFIDAVIT OF JOHANN HAMERSKI

JOHANN HAMERSKI being duly sworn, deposes and states:

1. Looking at various motions Robert K. Alber filed in the eToys bankruptcy case and then reviewing his appeals 830, 831 on Pacer I had no idea what Mr. Alber was trying to accomplish. It made no sense to me since Mr. Alber had basically put out a plethora of sanctions and criminal charges against virtually everyone concerned in the case.

2. Since I own and paid \$275.00 cash for 100,000 shares of eToys stock and I invested a tremendous amount of time and money as well as my attorney's time all based upon the guarantee and insurances made by Robert Alber and his business, and that now Mr. Alber appeared to be sabotaging the eToys case, I called the U.S. Trustee, Mark Kenney. I asked Mr. Kenney if there was any legal foundation or any reason he knew of why Mr. Alber would be doing all of the criminal charges as well as making the other bazaar allegations and filings.

3. To paraphrase, Mr. Kenney basically said he was unaware of any legitimate reason for Mr. Alber to be doing any of the bazaar allegations and appeals other than that Mr. Alber may be seeking for himself some kind of going away money (extortion payoff by harassment).

4. This is exactly what Mr. Alber said he was going to do during 2002 and 2003 when I talked to him about eToys. Mr. Kenney went on to discuss how he hoped no one would basically bow down to this type of (extortion) activity.

5. Therefore it is my belief based upon the statements Mr. Alber has personally told me that he was looking for money any way he could get it by filing various lawsuits or appeals or whatever he could do against various eToys related individuals and eToys Shareholders Group Members, such as Charles (Sam) Schwartz, Scott Pletch, Doug Blecker, Gary Ramsey and others such as myself and Lee Ann Hamerski.

6. Mr. Alber, to fulfill his need for money, has created a business of filing various lawsuits and/or appeals in hopes of getting quick and easy settlements since it is basically the only way Mr. Alber can make large sums of money while still claiming Social Security Disability.

7. Mr. Alber talked about the niche he found doing lawsuits and, at the time, I had no idea what he meant. Now I know because one cannot work or be gainfully employed doing valuable services of any kind and be on Social Security Disability; but a settlement or payoff would not affect Social Security Disability even if the settlement or payoff was for work.

8. Therefore, it appears all of Mr. Alber's various lawsuits/appeals that he has going on in various states were authored solely for the purpose of collecting a settlement/payoff and have absolutely nothing to do with the allegations in those Complaints. I have always believed that there must have been a reason for what Mr. Alber was doing since I knew all of his allegations in his Complaints were bogus and he had no evidence nor did he supply any evidence of any kind in case # CV82004-0039 to support any of Alber's alleged allegations; therefore, Mr. Alber's **only** reason to file his various Complaints was to get an unearned settlement/payoff and never go to trial, in particular if his Social Security Disability became known. I have to hand it to Mr. Alber; he did find a money making niche while being on Social Security Disability and I believe he has made substantial money through this unethical and illegal niche in particular in the Wild Bill's restaurant incident.

FURTHER AFFIANT SAYETH NAUGHT.

I verify under penalty of perjury that the foregoing Affidavit is true and correct, except those matters stated on information and belief, and as to those matters, I believe them to be true.

EXICUTED this 8th day of January 2007.

By Johann Hamerski
 Johann Hamerski
 P.O. Box 110371
 Anchorage, AK 99511
 (907) 345-2056

Exhibit B

02/19/2007 14:52 9167819030

ESA ROSEVILLE 309

PAGE 01
000000

U.S. Department of Justice

Executive Office for United States Trustees

Office of the Director

Washington, DC 20535

January 17, 2006

Mr. Lacer Steven Haas
c/o Redford Young Haas Calloway Prater
108 East Jewel Street
Delmar, DE 19940

~~Dear Mr. Haas:~~

This responds to your inquiry to the Office of General Counsel (initially in February 2005, and supplemented in November 2005) regarding the actions of the Office of the United States Trustee in Wilmington, Delaware, in the bankruptcy cases of eToys (No. 01-00706 (MFW)) and three affiliated companies (hereinafter collectively referred to as "the debtors"). We apologize for the delay in our response.

Although you raise a variety of claims, your principal complaint appears to be related to the retention of Traub, Bonaquist & Fox ("TBF") as counsel to the Official Committee of Unsecured Creditors ("the Committee"). TBF's connections with Barry Gold ("Gold"), who served as an officer of eToys, Inc., pre-confirmation and later as a post-confirmation officer of the reorganized debtors. In that latter role, Gold directed the activities of the Post-Effective Date Committee ("PED Committee") charged with implementing the liquidating plan. Further, you take issue with the retention of Morris, Nichols, Arslant & Tunnell ("MNAT") as local counsel to the debtors. Finally, you contend that the Office of the United States Trustee in Wilmington, Delaware, failed to investigate and make a criminal referral concerning these matters.

The United States Trustee Program is the component of the Department of Justice responsible for oversight of the administration of bankruptcy cases and of private trustees. In order to respond to your inquiry, we contacted the United States Trustee with responsibility for the District of Delaware and reviewed the relevant pleadings. We have learned that a plenary hearing took place in the bankruptcy court after you filed your complaint with the Office of General Counsel which dealt with the allegations raised in your correspondence. In addition to you and Robert Alber (an eToys shareholder), the United States Trustee, TBF, MNAT, Gold, the Committee, and the PED Committee took part in the hearing. The bankruptcy court resolved a number of matters during the hearing and the remaining issues in its October 4, 2005, opinion and order. Following the entry of the October 4, 2005, opinion and order, notices of appeal were filed by Alber and you, and a cross-appeal was filed by the reorganized debtors. Consequently, these matters are still pending. The Department of Justice does not comment on pending litigation, therefore, we will not address the substance of your allegations or the bankruptcy court's decision.

FEB-19-2007 02:31PM FAX:9167819030

ID:ESG

PAGE:001 R=97%

02/19/2007 14:52 9167819030

ESA ROSEVILLE 309

PAGE 02
003/003


Mr. Laser Steven Haas

Page 2

With respect to your allegations of criminal wrongdoing, please note that while the Department of Justice appreciates receiving information that assists in the enforcement of federal law, the Department does not disclose the existence or nonexistence of criminal investigations unless they become a matter of public record in court. Consequently, we cannot comment further on your criminal allegations, and any future communications in that regard should be directed to the appropriate law enforcement authorities, such as the United States Attorney.

Thank you for contacting the Department of Justice and we hope this information is helpful.

Sincerely,



Donald F. Walton
Acting Deputy Director

FEB-19-2007 02:31PM FAX:9167819030

ID:ESG

PAGE:002 R=97%

MESSAGE CONFIRMATION

MAR-12-2007 12:34 AM MON

FAX NUMBER : 4087785241
NAME : ESG

NAME/NUMBER : 2155975795
PAGE : 22
START TIME : MAR-12-2007 12:30AM MON
ELAPSED TIME : 04' 40"
MODE : STD ECM
RESULTS : [O.K]

Facsimile transmittal

To: Kelly Beaudin Stapleton, ESQ From: Robert K Alber
U.S. Trustee, Third Region

Fax: (215) 597-5795 Date: Monday, March 12, 2007

Phone: (215) 597-4411 Pages: 22

Re: cToys Bankruptcy Case concerns CC:

☐ Urgent ☒ For Review ☒ Please Comment ☐ Please Reply by phone



MESSAGE CONFIRMATION

MAR-12-2007 12:40 AM MON

FAX NUMBER : 4087785241
NAME : ESG

NAME/NUMBER : 3025736497
PAGE : 22
START TIME : MAR-12-2007 12:37AM MON
ELAPSED TIME : 03' 24"
MODE : STD ECM
RESULTS : [O.K]

Facsimile transmittal

To: Mark S Kenney From: Robert K Alber
Trial Attorney
U.S. Trustee Program
Fax: (302) 573-6497 Date: Monday, March 12, 2007
Phone: (302) 573-6491 Pages: 22
Re: eToys Bankruptcy Case concerns CC:
Case No. 01-0706

☐ Urgent ☒ For Review ☒ Please Comment ☐ Please Reply by phone *

Notes

MESSAGE CONFIRMATION

MAR-12-2007 12:45 AM MON

FAX NUMBER : 4087785241
NAME : ESG

NAME/NUMBER : 2023072397
PAGE : 22
START TIME : MAR-12-2007 12:42AM MON
ELAPSED TIME : 03' 36"
MODE : STD ECM
RESULTS : [O.K]

Facsimile transmittal

To: Roberta DeAngelis From: Robert K Alber
Acting General Counsel
U.S. Trustee Program
Fax: (202) 307-2397 Date: Monday, March 12, 2007
Phone: (202) 307-1399 Pages: 22
Re: eToys Bankruptcy Case concerns CC:
Case No. 01-0706

☐ Urgent ☒ For Review ☒ Please Comment ☐ Please Reply by phone

Notes: CC to Kelly B. Stapleton

MESSAGE CONFIRMATION

MAR-12-2007 12:50 AM MON

FAX NUMBER : 4087785241
NAME : ESG

NAME/NUMBER : 2023070672
PAGE : 22
START TIME : MAR-12-2007 12:46AM MON
ELAPSED TIME : 03' 36"
MODE : STD ECM
RESULTS : [O.K]

.....

Facsimile transmittal

To: Clifford J White, III From: Robert K Alber
Acting Director, U.S. Trustee
Program
Fax: (202) 307-0672 Date: Monday, March 12, 2007
Phone: (202) 307-1391 Pages: 22
Re: eToys Bankruptcy Case concerns CC:
Case No. 01-0706

☐ Urgent ☒ For Review ☒ Please Comment ☐ Please Reply By phone



Notes:



MESSAGE CONFIRMATION

MAR-12-2007 12:56 AM MON

FAX NUMBER : 4087785241
NAME : ESG

NAME/NUMBER : 2023070672
PAGE : 22
START TIME : MAR-12-2007 12:52AM MON
ELAPSED TIME : 03' 36"
MODE : STD ECM
RESULTS : [O.K]

Facsimile transmittal

To: Donald F. Walton
Deputy Director, U.S. Trustee

From: Robert K. Alber

Fax: (202) 307-0672

Date: Monday, March 12, 2007

Phone: (202) 307-1391

Pages: 22

Re: cToys Bankruptcy Case concerns

CC:

Case No. 01-0706

☐ Urgent ☒ For Review ☒ Please Comment ☐ Please Reply by phone



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

-----X

In re:

Chapter 11

ETOYS, INC., et al.,

Case Nos. **01-0706** (MFW)
through 01-0709 (MFW)
(Jointly Administered)

Debtors.

ROBERT K. ALBER, *Pro Se*,

Appellant,

v.

Civil Action No. 05-0830 (SLR)
Procedurally Consolidated with
Civil Action No. 05-0831

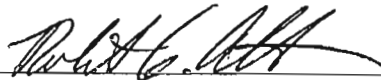
TRAUB, BONACQUIST & FOX, LLP,
BARRY GOLD, MORRIS, NICHOLS,
ARSHT & TUNNELL, LLP, BARRY F.
GOLD, the POST-EFFECTIVE DATE
COMMITTEE OF EBC I, INC., and the
UNITED STATES TRUSTEE

Appellees.

-----X

CERTIFICATE OF SERVICE

I, Robert K. Alber, *Pro Se Appellant/Cross Appellee*, do hereby certify that I served the ALBER MOTION FOR RECONSIDERATION in the above referenced cases on the party(ies) listed below in the manner so indicated on March 15th, 2007.



ROBERT K. ALBER
Pro Se Appellant/Cross Appellee
17685 DeWitt Avenue
Morgan Hill, CA 95037
Tel/Fax: (408) 778-5241
Cell: (928) 279-6244
condo28@mail.com

(via mail and hand delivery)

Office of the Clerk
United States District Court in the District of Delaware
844 N. King Street, Lockbox 18
Wilmington, Delaware 19801-3570

(via mail and hand delivery)

Office of the Clerk
Court of the United States Bankruptcy Court
District of Delaware
824 Market Street, 5th Floor
Wilmington, Delaware 19801

(Served by mail and e-mail)

'Laser' Steven Haas
108 E. Jewel Street
Delmar, Delaware 19940
laserace01@yahoo.com

(Served by mail and e-mail)

Robert J. Dehney, ESQ
Derek Abbott, ESQ
Gregory W. Werkheiser, ESQ
Morris, Nichols, Arsht & Tunnell
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899-1347
Tel: (302) 575-7229
Fax: (302) 425-4663
RDehney@MNAT.com
dabbott@mnat.com
gwerkheiser@mnat.com

(Served by mail and e-mail)

James L. Garrity, Jr., ESQ
Shearman & Sterling LLP
599 Lexington Avenue
New York, NY 10022
Tel: (212) 848-4879
Fax: (212) 848-4879
Defense Counsel for Traub, Bonacquist & Fox LLP (now defunct)
jgarrity@shearman.com

(Served by mail and e-mail)

Ronald R. Sussman, ESQ
Kronish, Lieb, Weiner & Hellman LLP
1114 Avenue of the Americas
New York, NY 10036-7798
Tel: (212) 479-6063
Fax: (212) 820-9785
Defense Counsel for Traub, Bonacquist & Fox, LLP (now defunct)
rsussman@kronishlieb.com

(Served by mail and e-mail)

Mark Minuti, ESQ
Barry F. Gold
Saul Ewing LLP
222 Delaware Avenue
Suite 1200
P.O. Box 1266
Wilmington, DE 19899
Tel: (724) 413-5783
Fax: (724) 898-0015
Defense Counsel for Barry Gold
mminuti@saull.com
barrygold@aol.com

(Served by mail and e-mail)

G. David Dean, ESQ
Saul Ewing LLP
100 South Charles Street
Baltimore, MD 21202
Tel: (410) 332-8704
Fax: (410) 332-8163
Defense Counsel for Barry F. Gold
gdean@saull.com

(Served by mail and e-mail)

Paul R. Traub, ESQ
Susan F. Balaschak, ESQ
Steven E. Fox, ESQ
Dreier, LLP/The Traub Group, f/k/a Traub, Bonacquist & Fox, LLP (currently defunct)
499 Park Avenue
New York, NY 10022
Tel: (212) 328-6100
Fax: (212) 328-6101
pt@tbfesq.com

(Served by mail and e-mail)

Michael S. Fox, ESQ
Olshan, Grundman, Frome, Rosenzweig & Wolosky, LLP
Park Avenue Tower
65 East 55th Street
New York, NY 10022
Tel: (212) 451-2277
Fax: (212) 451-2222
Formerly of Traub, Bonacquist & Fox, LLP (now defunct)
mfox@olshanlaw.com

(Served by mail and e-mail)

U.S. Securities and Exchange Commission (SEC)
Susan Sherrill-Beard
E. Gordon Robinson
3475 Lenox Road
Suite 1000
Atlanta, GA 30326
Tel: (404) 842-7625
Fax: (404) 842-7633
Investigators for the SEC
sherrill-beards@sec.gov

(Served by mail and e-mail)

Kelly Beaudin Stapleton, ESQ
U.S. Trustee
833 Chestnut Street, Suite 500
Philadelphia, PA 19107
Tel: (215) 597-4411
Fax: (215) 597-5795
Office of the U.S. Trustee
kelly.b.stapleton@usdoj.gov

(via mail, email and hand delivery)

Mark S. Kenney, ESQ
J. Caleb Boggs Federal Building
844 King Street,
Suite 2313
Lockbox 35
Wilmington, DE 19801
Tel: (302) 573-6565
Fax: (302) 573-6497
Office of the U.S. Trustee
mark.kenney@usdoj.gov

(Served by mail and e-mail)

Frederick Rosner, ESQ

Duane, Morris, LLP

1100 North Market Street

Suite 1200

Wilmington, DE 19801-1246

Tel: (302) 657-4943

Fax: (302) 657-4901

Local Counsel for Traub, Bonacquist & Fox (now defunct)

Formerly of Jaspan Schlesinger Hoffman, LLP

FBRosner@duanemorris.com